

REMARKS

The present response is to the action mailed in the above-identified case on May 15, 2006, made final. In the action the Examiner rejects claims 5 and 10 under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 4 of prior U.S. Patent No. 6,670,729. Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by Weynachter (US 6,127,742) hereinafter Weynachter. Claims 3, 6-8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weynachter.

In response the applicant herein amends claims 1, 6 and 12 to positively recite that the monitoring intelligence in the replaceable circuit breaker module includes sensors for monitoring breaker presence and one or more of on/off state of the breaker, and voltage provided to the breaker. Said limitations added by amendment were originally part of depended claim 3 and 7, now herein canceled.

Applicant argues that the reference of Weynachter specifically teaches that the breaker presence monitoring capability (Fig. 8, 31) is retained in the stationary monitoring device that is not part of the removable part (see col. 6 lines 21-39).

Applicant's invention deals with the problem of failing monitoring capability when it is stationary and constantly in use. When the monitoring capability, specifically monitoring circuit breaker presence information is replaced with the circuit breaker, then reliability is greatly increased.

In applicant's invention a key advantage over systems of current art is that all of the intelligence of the monitoring card is within the circuit breaker module 102. In current systems, wherein the monitoring circuitry is located in the served cabinet, much time may have passed since the last replacement of the monitor circuitry, raising the possibility that a malfunction may occur in the monitoring circuitry. If such a malfunction occurs, a worker or technician monitoring the circuit breaker status may see incorrect information provided by the faulty monitoring circuitry, such as incorrect voltage, or the circuit breaker is not present, or on or off for example, which may cause the worker or technician to take unnecessary or incorrect action to rectify the problem. Even more seriously, there may be automatic systems that react to false indications, causing unnecessary interruption of service and downtime. The problem condition indicated by the monitoring card may

be due to a failure in the monitoring card, and may not be necessarily a true condition. Applicant argues that Weynachter teaches that the monitoring circuitry on the circuit breaker is to determine the cause of the circuit opening, either manually or otherwise (col. 6, lines 29-38).

Applicant points out that although claims 3 and 7 were rejected as being unpatentable over Weynachter, there was no specific reasoning provided by the Examiner as to the reasoning as was provided for the balance of the rejected claims. Applicant believes claims 1, 6 and 12, as amended and argued above, are patentable over the art of Weynachter. Dependent claims 2-5, and 7-11 are patentable based on their own merits, or at least a depended upon a patentable base claim.

Regarding the double patenting rejection, applicant argues that the rejected claims are dependent claims from base claims and believes the limitations of said base claims should be considered when rejecting the dependent claims. Technically, the limitations of the base claims are a part of said rejected claims because they depend from base claims, and therefore should not be read out of context.

As all of the claims are patentable over the art of Weynachter, applicant respectfully requests that the rejections and objections be withdrawn, and that the case pass quickly to issue. If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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